

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 21-2135V

UNPUBLISHED

DEBBIE L. ARETZ, as Personal Representative of the ESTATE OF SALLY JO BENNETT, DECEASED,

Petitioner,

v.

SECRETARY OF HEALTH AND HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: January 18, 2023

Special Processing Unit (SPU); Ruling on Entitlement; Concession; Table Injury; Influenza (Flu) Vaccine; Guillain-Barre Syndrome (GBS)

Gary A. Butler, Massa, Butler, Giglione, Pittsburgh, PA, for Petitioner.

Kyle Edward Pozza, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On November 5, 2021, Debbie L. Aretz, as Personal Representative of the Estate of Sally Jo Bennett, deceased, filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). Petitioner alleges that Ms. Bennett, suffered Guillain-Barré Syndrome (“GBS”) which meets the Table definition for GBS or, in the alternative, was caused-in-fact by the influenza (“flu”) vaccine she received on October 4, 2019. Petition at 1, ¶¶ 2, 10, 12-13, 44. Petitioner also alleges that Ms. Bennett received the flu vaccine within the United States, that he passed away due to her GBS injury, and that neither she nor any other

¹ Because this unpublished Ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

party has filed a civil action or received compensation for his GBS. *Id.* at ¶¶ 2, 45, 48-49. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On January 17, 2023, Respondent filed his Rule 4(c) report in which he concedes that Petitioner is entitled to compensation in this case. Respondent's Rule 4(c) Report at 1. Specifically, Respondent believes "that [P]etitioner has satisfied the criteria set forth in the Vaccine Injury Table ("Table") and the Qualifications and Aids to interpretation ("QAI")." *Id.* at 5.

In view of Respondent's position and the evidence of record, I find that Petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran
Chief Special Master